

ORIGINAL

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA – LAS VEGAS

) Civil Action No. 2-13-CV-00672-GMN-PAL

3 ALAN R. ENGEL a/k/a ARI ENGEL,

4 Plaintiff,

5 vs.

6 JAN SIROKY, TOM CLEARY, WALTER  
7 MILGROOM, ARTHUR GOLTZ, DENNIS  
8 KOHLER and "JOHN DOE 1 THROUGH 5",  
(The latter representing Defendants  
whose names are currently unknown to Plaintiff,)

9 Defendants.  
10

11 AFFIDAVIT OF DUE DILIGENCE RE: TOM CLEARY

13 State of Nevada )

14 ) ss.

15 County of Clark )

16 Brent Allen Reid, Linda Meade, Jillian L. Tate and Robert Hoadley, first being duly sworn  
depose and say:

17 1. That affiants are and were at all times mentioned herein citizen of the United  
18 States, over 18 years of age, not a party to, nor interested in the within action, and licensed to serve  
19 civil process under Nevada license number 389.

20 2. That affiants received the within Summons in a Civil Action and Complaint on  
21 April 23, 2013.

22 3. That affiant, Brent Allen Reid, attempted to personally serve a copy of said  
23 documents on the Defendant, Tom Cleary, at 510 N. 10<sup>th</sup> St., Unit B, Las Vegas, Nevada 89101, on  
24 April 23, 2013 at 5:12 p.m. and spoke with "John," current occupant, who stated that the  
25 Defendant does not live there, but he uses this address. He stated that the Defendant has been  
26 waiting for some documents to be delivered. He called the Defendant and let the affiant speak with  
27 him. The Defendant told the affiant to leave the documents with "John," and he would come by  
28 tonight and pick up the documents. Affiant asked the Defendant for an address and the Defendant.  
He stated that he does not have an address, he is out now looking for an apartment to move in to.

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1           4.       That affiant, Brent Allen Reid, attempted service on April 24, 2013 at 5:12 p.m. and  
2 spoke with "John," who stated again that the Defendant does not live there and he only uses the  
3 address for mail only. He then provided the affiant with the Defendant's contact number of 702-  
4 541-2463. Affiant called the contact number and left a message for the Defendant.

5           5.       That affiant, Brent Allen Reid, on April 25, 2013 at 8:00 a.m. called the contact  
6 number of 702-541-2463 and left a message for the Defendant.

7           6.       That affiant, Linda Meade, on April 25, 2013 at 3:59 p.m. called the contact number  
8 of 702-541-2463 and found the number to be not in service.

9           7.       That affiant, Brent Allen Reid, attempted service on April 25, 2013 at 6:04 p.m. and  
10 spoke with "John," who stated that the he has not heard from the Defendant since the affiant's last  
11 attempt.

12           8.       That affiant, Brent Allen Reid, attempted service on April 26, 2013 at 7:12 p.m. and  
13 received no answer. Affiant observed the property to be dark and could hear no noises.

14           9.       That affiant, Brent Allen Reid, attempted service on April 27, 2013 at 3:03 p.m. and  
15 received no answer.

16           10.      That affiant, Jillian L. Tate, sent a postal order to the United States Post Office for  
17 the forwarding address of 510 N. 10<sup>th</sup> St., Unit B, Las Vegas, Nevada 89101 and has not received the  
18 postal order back to date.

19           11.      That affiant, Jillian L. Tate, checked with the Nevada DMV, which revealed a  
20 record for Thomas Cleary at 3823 S. Maryland Pkwy., Suite M1, Las Vegas, Nevada 89101, with a  
21 valid Class C driver's license number 2104097377 and an expiration date of September 10, 2015. It  
22 also revealed a date of birth of September 10, 1957, a physical description being 5'6", 220 lbs., with  
23 brown hair, green eyes and a last transaction date of April 8, 2013. It further revealed a record for  
24 a 2012 Toyota, license plate number 917-XSV, registered to Thomas Cleary at 3823 S. Maryland  
25 Pkwy., Suite M1, Las Vegas, Nevada 89101, with an expiration date of April 8, 2014 and a last  
26 transaction date of April 8, 2012.

27           12.      That affiant, Robert Hoadley, attempted service at 3823 S. Maryland Pkwy., Unit  
28 M1, Las Vegas, Nevada 89119, on May 7, 2013 at 7:15 p.m. and received no answer. Affiant  
observed the blinds to be closed, the property to be dark, no vehicles present and could hear no  
noises.

          13.      That affiant, Robert Hoadley, attempted service on May 8, 2013 at 8:12 p.m. and  
received no answer. Affiant observed the property to be the same.

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14. That affiant, Robert Hoadley, attempted service on May 9, 2013 at 5:20 p.m. and spoke with the current occupant, male approximately 65-years-old, 5'7" or 5'8", 150 lbs., with salt and pepper hair and beard, who stated that the he has lived here for about a year and a half and the Defendant does not live there. He then stated that he does know the Defendant and asked if the affiant was there regarding poker. Affiant explained he had legal documents for the Defendant and he then refused to give out any other information.

15. That affiant, Jillian L. Tate, checked with the Clark County Assessor's Office, which revealed the current owner of 3823 S. Maryland Pkwy., Unit M1, Las Vegas, Nevada 89119 to be Joseph and Edna Alonso, since October 27, 2011.

16. That affiant, Jillian L. Tate, sent a postal order to the United States Post Office for the forwarding address of 3823 S. Maryland Pkwy., Unit M1, Las Vegas, Nevada 89119 and has not received the postal order back to date.

17. That affiant, Jillian L. Tate, checked with Locate Plus, which revealed a record for Thomas Cleary at 8229 Aqua Spray Ave., Las Vegas, Nevada 89128, from January, 2012 – July, 2012.

18. That affiant, Jillian L. Tate, checked with whitepages.com, which revealed a record for Thomas Cleary at 8229 Aqua Spray Ave., Las Vegas, Nevada 89128, with no number listed.

19. That affiant, Jillian L. Tate, checked with the Clark County Assessor's Office, which revealed the current owner of 8229 Aqua Spray Ave., Las Vegas, Nevada 89128 to be Alan Engel, (Plaintiff), since October 12, 2007.

20. That affiant, Jillian L. Tate, sent a postal order to the United States Post Office for the forwarding address of 8229 Aqua Spray Ave., Las Vegas, Nevada 89128 and has not received the postal order back to date.

21. That affiant, Jillian L. Tate, checked with the Clark County Assessor's Office, which revealed no record for the Defendant.

22. That affiant, Jillian L. Tate, checked with the Clark County Voter Registrar's Office, which revealed no record for the Defendant.

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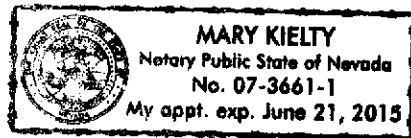
• \* \* \*

23. That affiants on the basis of the foregoing information were unable to locate and personally serve the Defendant, Tom Cleary a/k/a Thomas Cleary, in Clark County, Nevada. Further your affiants saith naught.

Subscribed and Sworn to Before me  
this 5 day of ~~May~~ <sup>June</sup>, 2013.



Notary Public in and for said  
County and State





Brent Allen Reid  
Registered Work Card #R-061962



Linda Meade  
Registered Work Card #R-049958



Julian L. Tate  
Registered Work Card #R-045957

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